

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH,
BAYER S.A.S., and MERIAL LIMITED

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

Civil Action No. 10-cv-274-WO-WWD

JOINT MOTION TO EXTEND DEADLINES

Pursuant to Federal Rule of Civil Procedure 16, plaintiffs BASF Agro B.V., Arnhem (NL), Wädenswil Branch, Bayer S.A.S. and Merial Limited (collectively, “Plaintiffs”) and defendant Cheminova, Inc. (together with Plaintiffs, the “Parties”) hereby move this Court to extend the deadline for (1) Plaintiffs’ Response to the Motion to Strike a Portion of the Expert Report and the Entire “Supplemental” Expert Report of Jeffrey Winkler and Preclude Testimony and Evidence (“Motion to Strike”) [D.I. 142] and (2) the parties’ responses to Plaintiffs’ Objections to Defendant’s *Markman* Presentation [D.I. 155] and Defendant’s Objections to Plaintiff’s Inclusion of a Late-Submitted Expert Report and Extrinsic Evidence [D.I. 157] (collectively, “*Markman* motions”). Under the Local Rules, Plaintiffs’ Response to the Motion to Strike is due July 11, 2011.

As grounds for this motion, Plaintiffs state that because of scheduling issues, one additional day is required to respond to the Motion to Strike. Because the issues in Plaintiffs' Response to the Motion to Strike and Plaintiffs' Response to Defendant's *Markman* Motion substantially overlap, and both are due July 11, 2011, Plaintiffs request a one day extension to respond to that motion as well. Similarly, Defendant's response to Plaintiffs' *Markman* Motion will be due simultaneously on July 12, 2011. This motion does not amend any other deadlines.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that the Court extend the deadline for Plaintiffs' Response to the Motion to Strike and both parties' responses to the *Markman* motions by one day, to July 12, 2011.

Respectfully submitted:

**WOMBLE CARLYLE SANDRIDGE &
RICE, PLLC**

DATED: July 11, 2011

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: Daniel Alan M. Ruley, aruley@belldavispitt.com, William K. Davis, wdavis@belldavispitt.com, Christopher G. Kelly, christopher.kelly@hklaw.com, Steven L. D'Alessandro, steven.dalessandro@hklaw.com, Robert J. Burns, robert.burns@hklaw.com, Joshua C. Krumholz, Joshua.krumholz@hklaw.com, Jitendra Malik, jmalik@alston.com, John Patrick Elsevier, jpelsevier@jonesday.com, Matthew W. Howell, matthew.howell@alston.com, Judy C. Jarecki-Black, jduy.jarecki@merial.com, and Frank G. Smith, frank.smith@alson.com.

This the 11th day of July, 2011.

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